



TOWN OF GRAFTON ZONING BOARD OF APPEALS

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MINUTES ZONING BOARD OF APPEALS WEDNESDAY, MAY 17, 2023 IN PERSON MEETING AT THE GRAFTON PUBLIC LIBRARY

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A meeting of the Zoning Board of Appeals was held on Wednesday, May 17, 2023, in person in the Community Meeting Room at the Grafton Public Library.

Members present: Brian Waller, Kay Reed, William McCusker, William Yeomans, Peter Adams, Mitali Biswas, Jiffy Thomas, Attorney Dan Hill, Robert Berger, Zoning Enforcement Officer, and Jeff Walsh of Graves Engineering.

Meeting called to order at 7:05 p.m.

Chairman Waller turns meeting over to Vice Chairman McCusker who will be acting Chairman for Cases 754 and 892.

Case #754 – Fisherville Terrace LLC – NPC – Change of pipe for a section of the drainpipe

Muneer Ahmed owner of 119 Main Street, requesting permission to change drainpipe to a 30" from a 36" for a short distance due to the 10" water main being in the way. The water district does not want the applicant touching the water main.

2 options proposed:

1. Use a 30" diameter pipe and increase the pipe slope from 1.0% to 1.5%
2. Use a 30" pipe at 1.0% and divert stormwater from DMH 84 to a different downstream manhole.

Graves Engineering proposes a 3rd option, which is a variation of both options 1 and 2.

Option 3 – Install a 30" pipe between 351 and DMH 352 and strive to increase the pipe slope to 1.5%. A 1.25% or 1.5% pipe slope would result in the 30" drainage pipe flowing at 82% or 70% capacity respectively. Also, when installing the pipe from DMH 84 to DMH 352, use a larger pipe diameter than the existing 12" diameter pipe that conveys flow from DMH 84. This change should be made in a way to provide at least 9.2 cubic feet per second of hydraulic would address what appears to be a hydraulic capacity issue at DMH 84.

Discussion regarding the water pipe.

Motion made by Mr. Adams and 2nd by Ms. Reed that the ZBA determines the change to the Fisherville Terrace LLC Comprehensive Permit detailed in the Fisherville Terrace LLC letter dated May 15, 2023 Option 1 to be a Minor Change subject to the following condition: CONDITION C-1: The developer agrees to work with Graves Engineering to implement their "Option 3" as detailed in the Graves Engineering letter dated May 15, 2023 or similar.

On a roll call vote: Mr. McCusker – yes; Ms. Reed – yes; Mr. Yeomans – yes; Mr. Adams – yes; Chairman – yes. 5-yes, 0-no, motion passed.

Case #892 – 59 Pleasant St. Properties, LLC – 40B - Continuation

- DHCD denied Grafton's Safe Harbor assertion
- Need to proceed as if this development is going to happen
- Town loses the upper hand-but can appeal to HAC – but HAC normally sides with the developer

Review by Jeff Walsh from Graves Engineering – discussion of his letter dated May 17, 2023 – attached to these minutes.

- Dense development
- Look at allocation of space on the development
 - Parking, building setbacks, stormwater management

Further discussion:

- Question to Attorney Hill – can the ZBA waive the town easement that currently exists – No
- Review of comments from DPW – Engineering of water runoff from Christopher Drive
- Engineer for developer will make revisions on the plans per Graves comments
- Discussion of stormwater management, water quality through DEP, drainage
- Question regarding water district wells dug on Hudson Ave.
- ZBA reviews and holds the developers accountable – makes sure they follow the Comprehensive Permit

Public Comments:

Nancie Piconne – 3 High Point Drive – will the state be supervising the development of this project?

Answer: No, the state only oversees the affordability component of the units.

Any issues with compliance or drainage – there will be a bond in place.

Sharon Martin – 16 Sunrise Ave. – is there a contingency plan for drainage onto Sunrise Ave. development?

Answer: The runoff will be directed to the back area of the development, goes back to the pond.

Discussion of diligence of town on all the developments going on in town.

John Marro – 56 Pleasant Street – the back area of the development would become the town's problem after the town takes it over after the development is complete. Land calculations – WSPOD – how can it be used in calculations then be given back to the town as open space.

Lindsay Fawkes – 61 Sunrise Ave – does this trigger MEPA review through the state? Answer: No

Wendy Reid – 14 Coventry Road – Impact to the wildlife on the land that live there now

Mr. McCusker explains that the Board will try and make the project as good as we can, we need to approach it as this will be built.

Yako Yako – 4 Christopher Drive – will there be more discussion regarding the flat roofs and the look of the buildings?

Answer: yes, that will be addressed. Traffic – yes, we will be getting a peer review.

Steve O'Connell -TPE can we dedicate certain meetings to specific topics:

- Town departments – civil review
- Traffic – will be discussed/peer review before the end of the month
- Building Design
- Waivers
- Decision – document
- Proforma Review

Jeffrey McGrath – 4 Peters Way – traffic, will we get all new counts, will it show dates and times?

James Trakadas – 39 Pleasant Street – traffic at 5 a.m., people fly down Pleasant Street, study should be for at least a week, the actual speed limit is 25 mph – though no one goes that speed. Answer from Board: We could lower the density due to traffic, but we must have technical data to back up the denial or conditions.

Comments from Attorney Hill:

- Traffic study done during COVID
 - Speeds and trip count less
 - 2 data points
 - Usually on 2 or 3 days is standard
- Wetlands Issue – pond
 - Offsite but not within 25' no disturb buffer zone

- Typically, a 100' buffer – need to look at wetland waiver
- Applicant needs to refine their waiver list
- Need to follow performance standards
- Buffer zones important to wildlife
- Will have a wetlands scientist review the plans with aspect to water quality

Discussion:

- Board asks the applicant to grant a 1-month extension to 180 days
- Traffic peer review
- Time tolled due to appeal to DHCD for Safe Harbor?
- Waivers need to be more specific – not blanket
- Need wetlands review
- Applicant – waiting on peer review from Graves Engineering before filing with Conservation – making revisions will get detailed revised waiver list
- Bev Gosselin – 54 Pleasant Street – question regarding impervious area – where will the snow go when plowed, sand & salt – where will the runoff go?
- Jeff Walsh – Graves Engineering – there is a state standard for quality in the water runoff – the runoff will go through catch basins, soil, and vegetation
- Wetlands, design of catch basins, runoff, and stormwater by-laws
- Discussion of flat roofs
 - Originally designed with pitch roofs, abutters do not like the height, so changed to flat roofs –
 - Mr. McCusker suggested collapse the roof into the 3rd floor (like Prentice Place)
 - Applicant working with architect for a redesign of the roofs

Public Comments:

John Marro – 54 Pleasant Street –

- flat roofs – not a fan of the design, does not meet the character of the neighborhood
- Look at developments in Wellesley and Auburn for their design
- Do not like the open-air corridor

Nancy Buffone – 41 Pleasant Street

- Change in parking requirements
- Traffic, safety to children in area – personally told by Police dangerous street

Scott Novitski – 49 Pleasant Street – traffic concerns, site lines

Michael Swanson – 19 Christopher Drive – density of apartments, safety of residents at apartments

Mat Often – 79 Old Westboro Road –

- LIPs are not approved by the Select Board, they just get the endorsement of the Select Board
- Opportunity for the town to look at issues and work with the developer to give the town certain things, i.e., sidewalks

Ann Trakadas – 39 Pleasant Street

- Are numbers of units negotiable? - Answer: yes,
- Concerned about the density of the units/development and the traffic

Jim Trakadas – 39 Pleasant Street – Would houses be more profitable – better use

Next steps:

- Review Pro-forma
- Traffic Peer Review
 - Hire traffic peer review Kevin Dandrade – have him review prior meetings
- Hire wetlands review – Arthur Allen
- Revise waiver list

Answered additional questions posed by Scott Novitski – 180-day rule, Safe Harbor (no), 10% affordable housing inventory for the town.

Motion made by Mr. Yeomans and seconded by Mr. Adams to continue Case #892 to Wednesday, June 15, 2023, at 7:00 p.m. at the Grafton Public Library in the Community Room. On a roll call vote; Mr. Yeomans – yes; Mr. Adams – yes; Mr. Waller – yes; Ms. Reed – yes; Mr. McCusker – yes. 5-yes, 0-no, motion passed, meeting continued.

Motion made by Mr. Yeomans and seconded by Mr. Adams to continue adjourn meeting. On a roll call vote; Mr. Yeomans – yes; Mr. Adams – yes; Mr. Waller – yes; Ms. Reed – yes; Mr. McCusker – yes. 5-yes, 0-no, motion passed, meeting adjourned at 9:38 p.m.

Respectfully submitted by Katrina Koshivos

Kay Reed

Kay Reed - Clerk

5/17 minutes



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May 17, 2023

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**Subject: The Reserve at Pleasant Commons
Comprehensive Permit Plan Review**

Dear Zoning Board Members:

We received the following documents in our office March 16, 2023:

- Plans entitled The Reserve, Comprehensive Permit Plan, 59 Pleasant Street, Grafton, Massachusetts dated February 8, 2023, prepared by Turning Point Engineering for Eastland Partners, Inc. (24 sheets)
- Bound document entitled Stormwater Management Report, for The Reserve at Pleasant Commons, A Comprehensive Permit, 59 Pleasant Street, Grafton, MA, dated February 7, 2023, prepared by Turning Point Engineering for Eastland Partners, Inc.

We also referenced the following publicly available document online:

- Document entitled Comprehensive Permit Application, The Reserve at Pleasant Commons prepared by Eastland Partners, Inc. dated February 27, 2023.

Graves Engineering, Inc. has been requested to review the plans and supporting materials for compliance with the applicable Grafton Zoning By-Law amended through June 20, 2020; Zoning Board of Appeals; Rules and Regulations Governing Comprehensive Permit Applications Under General Laws Chapter 40B, Grafton, Massachusetts; Town of Grafton Conservation Commission Regulations Governing Stormwater Management dated May 28, 2013 and revised September 17, 2021, and Regulations for the Administration of the Grafton Wetlands Protection Bylaw amended through May 2017; Massachusetts Department of Environmental Protection (MassDEP) Stormwater Handbook and standard engineering practices. GEI was authorized to proceed with this review on April 3, 2023. As part of this review, GEI performed a reconnaissance site visit on April 28, 2023.

Our comments follow:

Grafton Zoning By-Law

- The plans propose to cover 25.32% of the total land area with impermeable surfaces. However, as stated in the Comprehensive Permit Application on page 128 under the "Open Space, Recreation, and Natural, Cultural, and Historical Resources" the applicant is also planning to donate a portion of the land to the Town of Grafton. There is no proposed delineation showing where they expect to divide the parcel. The applicant should include the anticipated delineation for the donated parcel and provide the "Site Data" calculations (e.g., dwelling unit density, building coverage, etc.) for the parcel without the donated land to demonstrate that it does not exceed the 75% threshold for the Water Supply Protection Overlay District. (§3.13.1.2, §3.13.2.8, §5.2.2.3 and §7.5.D)

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Consistent
#1
improving

Recharge more water
during 10 yr. storm

Zoning Board of Appeals: Rules and Regulations Governing Comprehensive Permit Applications Under General Laws Chapter 40B

2. The earth removal calculations shown in §6.1 of the Comprehensive Permit Application need to be stamped by a Professional Engineer. (§3.9)
3. GEI has no technical issues with the legend being provided only on Sheet C-1.1 nor with the utilization of NAVD 88 as the vertical datum. (§3.13)
4. The site plans or building plans should identify the proposed affordable units. (§3.13.2.2)
5. The Existing Conditions Plan needs to include the existing stone lined plunge pool depression located within the existing drainage easement as it is an important component of the existing drainage system that serves Christopher Drive. (§3.13.4.1)
6. The plans need to include the proposed dimensions for each of the proposed structures. (§3.13.5.13)
7. Currently, no utilities are shown for the proposed garages. The engineer should clarify if the garages will have electricity. (§3.13.5.23)
8. The plans need to include appropriate screening for the two proposed dumpster enclosures. (§3.15.5.24)
9. The plans need to include a construction detail for the proposed headwall and a typical parking space. (§3.13.7.1 and §3.13.7.3)
- 2nd - 10. The proposed off-site sidewalk surface (bituminous in lieu of concrete) does not comply with the subdivision rules and regulations. GEI would like to note that Christopher Drive has a bituminous sidewalk system and Peters Way has a concrete sidewalk system. (§3.13.7.2, Subdivision Rules and Regulations (RnR) §5.5)
- #3 11. The plans propose bituminous concrete curb along Pleasant Street. Vertical granite curb is required. (§3.13.7.2, Subdivision Rules and Regulations (RnR) §4.2.1.1) - must have vertical curb
12. The proposed paved driveway surfaces within the project do not comply with the subdivision rules and regulations regarding the binder thicknesses (2-1/2" proposed, 2-3/4" required) and the gravel base material (M1.03.1 proposed, M1.03.type b required). (§3.13.7.2, RnR §5.2.2.2.b)
- #4 13. The plans do not include any outdoor lighting. Any outdoor lighting needs to be shown on the plans, including a photometrics plan. (§3.13.7.4 and §3.13.8.7)
14. While not subject to this review, GEI noted that the Architectural Floor Plans need to be signed and stamped by a Registered Architect. (§3.13.10)
15. The building numbers on the site plans and the Architectural Elevations Plans need to be coordinated to avoid confusion relative to where each building on the architectural plans is proposed. (§3.13.10.2)

Grafton Wetland By-Law and Regulations


16. GEI has no issues with parts of the By-Law the applicant has not requested to waive. GEI will be prepared to discuss the waiver requests with the Board during the public hearing.

Grafton Regulations Governing Stormwater Management

17. The applicant has requested to waive this entire section of the Bylaw and comply with the MassDEP Stormwater Handbook. GEI will be prepared to discuss the waiver request with the Board during the public hearing.

Hydrology, Hydraulics and MassDEP Stormwater Management

18. GEI reviewed the hydrology computations and found them to be in order except as noted in the following two comments.

19. There is an existing drainage system along the frontage of #60 Pleasant Street that discharges stormwater to the project site. The plans propose to capture and route that stormwater through the two proposed infiltration basins. The post-development hydrology computations need to be revised to include the stormwater flow onto the site from the existing drainage system to demonstrate that the infiltration basins can accommodate the off-site flows.

20. In the post-development hydrology computations, runoff from Building #4 was modeled to flow to Basin 1. However, the roof-drain system proposed for Building #4 diverts the runoff directly to Basin 2 and needs to be modelled as such.

21. In the Rational Method pipe sizing calculations, 1.2 cubic feet per second (cfs) of flow was added to the main drainage lines to account for the expected flows from the existing discharge onto the site from the drainage system along the frontage #60 Pleasant Street. The added flow represents about half of the capacity of the last off-site pipe if the pipe were flowing full under open channel flow (not surcharged). The engineer needs to explain why only 1.2 cfs was utilized.

22. The Catch Basin Areas Map that accompanies the Rational Method pipe sizing calculations shows a drainage system that bypasses the runoff from the drainage system along the frontage #60 Pleasant Street around the proposed project's infiltration basins. The Catch Basin Areas Map and the Rational Method calculations need to be consistent with each other. If the bypass system is added to the Comprehensive Permit Plans, then the Rational Method calculations will need to be revised to include the bypass system.

23. Compliance with the MassDEP Stormwater Handbook and Stormwater Standards is reasonable except as noted in the following five comments.

24. In the riprap sizing calculations "FES1" does not account for the additional flow through the existing catch basin along the frontage of #60 Pleasant Street. The calculations need to be revised to include the additional flow through the drainage system.

25. In the riprap sizing calculations, "FES8" [sic] appears to represent the existing drainage line along the northern property line (FES7). The engineer needs to demonstrate why a flow of 2.2 cfs was utilized.
26. GEI did not receive a separate Operation & Maintenance Plan as stated in the Stormwater Report, thus compliance with Standard 9 of the MassDEP Stormwater Standards (DEP Standards) could not be reviewed.
27. GEI did not receive a separate Illicit Discharge Statement as stated in the Stormwater Report, thus compliance with Standard 10 of the DEP Standards could not be reviewed.
28. Per the MassDEP Stormwater Handbook, Basin 2 needs to include a drawdown device for maintenance purposes.
29. The water quality calculations utilized a water quality depth factor of 0.5 inches. Whereas the site is located entirely within the Zone II of a public water supply well, this depth factor should be 1.0 inches. Nevertheless, Standard 4 (concerning water quality) has been satisfied. For the record the calculations need to be updated.

General Engineering Comments

- #10
- #
30. There is an existing drainage easement and drainage system along the northern property line that receives stormwater from the Christopher Drive drainage system. GEI understands that the easement grantee is the Town of Grafton. The plans propose to drastically change the grading in the existing drainage easement by creating a berm near Pleasant Street, a swale behind the proposed garage, and a 2H:1V slope approximately 200 feet long. The proposed grading changes will prevent the easement from being used to gain access to the drainage system within the easement. The grading needs to be revised to allow the Town to use the easement for access to the drainage system. If not already done, the Board may wish to also solicit comments from Grafton DPW. *- speaks to access to easement / access for town*

31. The drainage system within the easement along the northern property line consists of a leaching trench and catch basin overflow structure at the east end of the easement. The leaching trench stores stormwater up to the overflow structure's rim (elevation 314.50) and infiltrates the stored water. Excess water above elevation 314.50 is discharged from the outlet structure to a stone lined plunge pool where it either infiltrates into the underlying soil (as observed on April 28, 2023) or flows overland in an easterly direction. The plans propose changes to the outlet structure whereby water will be released at elevation 311.50, three feet lower than current conditions. The changes will reduce the amount of infiltration that currently occurs. Whereas the site is in the Water Supply Protection Overlay District, the loss of this existing stormwater recharge should be avoided. GEI recommends that the drainage system in the easement not be altered unless the alterations result in the drainage system functioning in the same manner as in the existing conditions and that the Grafton DPW be solicited for comments concerning modification of an existing Town drainage system. *- if modification need to show drainage system would function - DPW comment*
32. The plans propose a sidewalk along Pleasant Street to provide pedestrian travel to Christopher Drive and Peter's Way. GEI agrees that a sidewalk along Pleasant Street is warranted. Runoff from the east side of Pleasant Street flows overland from the travel lane across the road shoulder to the abutting properties. To construct a sidewalk, vertical curb needs to be provided to separate the pedestrians and vehicles, as was shown on the plans. *E./Side of 59 - over flow*

Northern side of property - leaching trench - Runoff from Christopher Drive -

2002 Christopher Dr. as-built through before Planning for the area

The new curb will block stormwater flow from Pleasant Street; the plans need to address drainage from Pleasant Street.

Curb placed. Drainage will have to be addressed

33. The plans propose the intersection curb radii at Pleasant Street to be vertical bituminous concrete. In Grafton, vertical granite curbing is customarily used at commercial driveway intersections.

- #8 34. On Sheet C-3.0, the plans propose an eight-bay garage to egress directly into the travel lane. Drivers leaving the garage will have obstructed sightlines and may not be able to see oncoming traffic. This garage should be set back approximately two to four feet for safety as was done for the garages on the southern side of the site.

all garages should be setback

35. On Sheet C-7.2, the construction detail for the precast concrete sewer manhole depicts the invert trough in section A-A to have brick or concrete fill. The construction detail needs to clearly show that the invert trough shall be constructed out of clay sewer brick.

36. For the benefit of the contractor, on Sheet C-1.1, the plans show several typical abbreviations and depict vertical curb (VC) to be used throughout the project. With only a bituminous concrete curb (BCC) construction detail shown. It appears that the intent is to utilize BCC throughout the project. Nevertheless, the plans need to clearly show what material is to be used for the vertical curb.

General Comments

37. The Traffic Impact Analysis was not reviewed by GEI.

38. The Architectural Floor and Elevations Plans were not reviewed by GEI.

39. GEI has not reviewed the plans with respect to the water main or sewer main design. We understand that the Grafton Water District (GWD) will review the project's water design and the Grafton Sewer Department will review the project's sewer design.


Waiver Requests

- #9 40. The number of parking spaces per unit present in the waiver request (2.08 spaces per unit) is off slightly from what is shown on the plans (2.06 spaces per unit). Further, the total number of spaces shown on Sheet C-3.0 of the plans does not equate to the number of spaces provided (GEI estimated 214 spaces, the plans depict 204, waiver request depicts 217). The waiver request and plans will need to be updated to be consistent. GEI will be prepared to discuss the waiver request with the Board during the public hearing.

- under on parking - data to support parking position -

We trust this letter addresses your review requirements. Feel free to contact this office if you have any questions or comments.

Very truly yours,
Graves Engineering, Inc.


Jeffrey M. Walsh, P.E.
Principal

cc: Stephen O'Connell; Turning Point Engineering